

1                                   **IN THE UNITED STATES DISTRICT COURT**

2                                   **FOR THE DISTRICT OF ARIZONA**

3   IN RE BARD IVC FILTERS  
4   PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

5   This Document Applies to:

6   **MICHAEL G. MASON III,**  
7   **PLAINTIFF**

**AMENDED MASTER SHORT FORM  
COMPLAINT FOR DAMAGES FOR  
INDIVIDUAL CLAIMS AND DEMAND  
FOR JURY TRIAL**

8                   Plaintiff(s) named below, for their Complaint against Defendants named below,  
9   incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10   Plaintiff(s) further show the Court as follows:

11           1.     Plaintiff/Deceased Party:

12                   Michael G. Mason III

13           2.     Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
14                   consortium claim:

15                   \_\_\_\_\_  
16           3.     Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
17                   conservator):

18                   \_\_\_\_\_  
19           4.     Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
20                   the time of implant:

21                   Maine  
22

1           5.     Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
2                 the time of injury:

3                       Maine      

4           6.     Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5                       Maine      

6           7.     District Court and Division in which venue would be proper absent direct filing:

7                       USDC for the District of Maine      

8           8.     Defendants (check Defendants against whom Complaint is made):

9                 ☒     C.R. Bard Inc.

10                ☒     Bard Peripheral Vascular, Inc.

11          9.     Basis of Jurisdiction:

12                ☒     Diversity of Citizenship

13                ☐     Other: \_\_\_\_\_

14          a.     Other allegations of jurisdiction and venue not expressed in Master  
15                   Complaint:

16                 \_\_\_\_\_

17                 \_\_\_\_\_

18                 \_\_\_\_\_

19          10.    Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a  
20                   claim (Check applicable Inferior Vena Cava Filter(s)):

21                ☐     Recovery<sup>®</sup> Vena Cava Filter

22                ☐     G2<sup>®</sup> Vena Cava Filter

☐ G2<sup>®</sup> Express (G2<sup>®</sup>X) Vena Cava Filter

☒ Eclipse<sup>®</sup> Vena Cava Filter

☐ Meridian<sup>®</sup> Vena Cava Filter

☐ Denali<sup>®</sup> Vena Cava Filter

☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

3/20/2012

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

- 1           ☒     Count XIV: Violations of Applicable   Maine   (insert state) Law  
2                               Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices  
3           ☐     Count XV: Loss of Consortium  
4           ☐     Count XVI: Wrongful Death  
5           ☐     Count XVII: Survival  
6           ☒    Punitive Damages  
7           ☒    Other(s): All claims for Relief set forth in the Master Complaint,  
8                               including pain and suffering, for an amount to be determined by the trier  
9                               of fact.  
10                              \_\_\_\_\_

11       13. Jury Trial demanded for all issues so triable?

- 12           ☒     Yes  
13           ☐     No

14  
15  
16       RESPECTFULLY SUBMITTED this 24nd day of June, 2017.  
17  
18  
19  
20  
21  
22

**On behalf of plaintiff**

By: /s/ John A. Dalimonte

John A. Dalimonte (MA Bar No. 554554)

(admitted *pro hac vice*)

DALIMONTE RUEB LLP

85 Devonshire Street, Suite 1000

Boston, MA 02109

Email: john@drlawllp.com

Tel: (617) 302-9900

Tel: (617) 742-9130

I hereby certify that on this 27th day of June, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/John A. Dalimonte